

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 630 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

MANKARABEN CHUNILAL

Versus

JAIKISHANDAS RAMANLAL

Appearance:

MS KJ BRAHMBHATT for Petitioners
MR AJ SHASTRI for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 18/12/2000

ORAL JUDGEMENT

1. Heard learned Advocate Ms. K.J. Brambhatt for the appellant and learned Advocate Mr. A.J. Shastri for the respondent.

2. Admit. Learned Advocate Mr. A.J. Shastri waives service of Admission on behalf of respondent. With the consent of the learned advocates appearing for the parties, the matter is finally heard.

3. In the facts and circumstances of the case, it appears that this litigation is aged about 10 years because an agreement of sale came to be executed in the year 1980 and suit came to be filed in 1991. Unfortunately, the litigation could travel upto the decision of Exh.5 in last 10 years. Having regard to this fact, the Trial Court is required to dispose of the suit itself instead of dwelling upon Exh.5 Application, and this Court would not like to enter into the merits of the case, at this stage. In this view of the matter, following direction is issued to the Trial Court :

" Learned Civil Judge (SD) Surat is directed to dispose of Special Civil Suit No. 469 of 1991 within four months from the date of receipt of the writ of this Court or producing the certified copy of this order by any party, whichever is earlier. Office is directed to transit the writ of this order to the Trial Court as early as possible but not later than a week time. In the meanwhile, i.e. till the disposal of the suit, the order of status quo regarding the suit property passed by the learned Trial Judge on 29th of October, 1991 below Application Exh.5 shall be operative.

The parties of the suit are directed to cooperate with the court in disposing of the said Civil Suit within the aforesaid period."

3. With the above said order, this Appeal is disposed of with no order as to costs.

4. This will also dispose of the Civil Application No. 14440 of 1999 as the same does not survive. Notice is discharged.

(J.R. Vora, J.)

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